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REPORT
No. 98-96

AMENDING THE ACT OF JULY 2, 1940, AS AMENDED, PERTAINING TO APPROPRIATIONS FOR THE CANAL ZONE BIOLOGICAL AREA

MAY 16, 1983.—Ordered to be printed

Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 929]

The Committee on Rules and Administration, to which was referred the bill (S. 929) to amend the Act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

Under the Act of July 2, 1940, as amended, the Smithsonian Institution operates a biological reserve on Barro Colorado Island in Gatun Lake in the Republic of Panama. S. 929 as referred would strike out the authorization ceiling on appropriations in Section 79(e) of the Act.

BACKGROUND

The Act of July 2, 1940, as effected by Executive Order 8515, established the Canal Zone Biological Area (essentially Barro Colorado Island located in Gatun Lake) as an independent unit with its own Board of Trustees and an annual appropriations authorization of up to $10,000. The Act also established a trust fund within the U.S. Treasury for the deposit of donations to the facility and of fees charged to visiting scientists as a means of additional support. The functions and authority of the Board were transferred to the Smithsonian Institution by Reorganization Plan No. 3 of 1946 and are recited in 20 U.S.C. 79.

The Barro Colorado Island reserve was created initially in 1923 by decree of the Governor of the Canal Zone at the behest and under

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the aegis of several independent research institutions, including the the Smithsonian, for the study of tropical flora and fauna. The cooperating institutions each contributed to its funding and administration, and by 1940 it had become a valuable educational facility for teachers and students from around the world, with more than 400 scientific papers having been published on the research carried out there. In order to ensure continued preservation and conservation of the Island's natural feaures, as well as adequate funding for research programs and maintenance of the facility, a more formal entity was deemed necessary by the cooperating institutions. With the support of several Government departments that had benefitted from the facility's research efforts, it then turned to the Congress for assistance and the Act of July 2, 1940 ensued. The Act was amended by P.L. 89-280, approved October 20, 1965, in order to raise the limit on appropriations from $10,000 to $350,000, and by P.L. 96-89 which raised the limit to $750,000.

In 1958 the Smithsonian's Board of Regents, exercising its general authority under 20 U.S.C. 41 et seq., voted to establish the Smithsonian Tropical Research Institute (STRI) in recognition of the Institution's expanded activities throughout the Isthmus, including those on Barro Colorado Island, and to promote research on all segments of tropical biology, including comparative studies on Old World tropics. Over the next two decades marine laboratories were established on both coasts of the Isthmus, and a central administrative and scientific complex was developed in the ancon section of the former Canal Zone in order to manage and coordinate activities at the new locations and on Barro Colorado Island.

Under the terms of the Panama Canal treaties the scientific mission of the Smithsonian Tropical Research Institute remains unaltered. Its unique and important efforts are supported by the governments of Panama and the United States, as was clearly demonstrated by the agreement signed on January 5, 1977 between the Minister of Health of the Republic of Panama and the Director of the Smithsonian Tropical Research Institute. The agreement includes the guarantee of STRI's continued use of its laboratories and officers.

However, in conjunction with approval and implementation of the Panama Canal treaties a new status for Barro Colorado Island was created. Further protection of the island as a scientific reserve was afforded by adopting the provisions of the Western Hemisphere Convention on Nature Protection and Wildlife Preservation of 1940 and designating Barro Colorado Island, as well as several adjacent mainland peninsulas on the east and west banks of the Panama Canal, as the "Barro Colorado Nature Monument". Custodianship of the Nature Monument, with concomitant responsibility for its maintenance, preservation, and security, was assigned to the Smithsonian Tropical Research Institute on behalf of the United States, Panama, and other nations of the Americas. The area of the Nature Monument is nearly 5,000 hectares (BCI alone is 1,642 hectares). It is forested and has been posted, protected by fences, and patrolled regularly by a game warden force.

The current obligations for Barro Colorado Island itself are within the statutory limit, but its more intensive use, along with the rest of

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the Nature Monument, for scientific purposes; the need improvements; and the pressure of Central American inflation make the existing spending limit unrealistic fiscally, as well as administratively.

The separation of the Barro Colorado Island budget from the rest of STRI operations is an historical anomaly resulting from its former status as an independent entity. By abolishing the separate spending limit on Barro Colorado Island, as provided in the proposed legislation, and incorporating the Barro Colorado Island budget entirely within that of the Smithsonian Tropical Research Institute, consistency and flexibility would be available for consolidated management of the Institute's research activities as well as of the most significant tropical moist forest under U.S. custodianship.

Evidence of Panamanian support for Smithsonian Institution activities in Panama may be seen in the following excerpt from a translation of an article in the April 14, 1983, edition of LaEstrella De Panama (a Panamanian newspaper):

"MINISTER OF HEALTH INAUGURATES SMITHSONIAN LIBRARY

"This library, a depository of human knowledge in the biological sciences of the tropics, will serve all the world's scientists and without doubt will have a very special role in the education and preparation of Panamanian scientists, who want to use it." said Dr. Gaspar Garcia de Paredes, Minister of Health at the inauguration of the library at the Smithsonian Tropical Research Institute built on the former site of the Hotel Tivoli on the Avenue of the Martyrs.

Dr. Gaspar Garcia de Paredes emphasized the importance of the work which the Smithsonian Institution is carrying out in the area of science in Panama and expressed that "our government reiterates its support of the work of this Institution." Adding further, that "the presence of this Scientific Research Institute in our country and its development, free of all interference, is one more indication of traditional Panamanian hospitality and of the atmosphere of political and scientific freedom which is evident in the national life."

Committee Action

On April 20, 1983, the Committee on Rules and Administration held hearings on S. 840. Testimony was received from S. Dillon Ripley, Secretary of the Smithsonian Institution.

Committee Findings

Barro Colorado Island is part of the Smithsonian Tropical Research Institute, and there is a need to be able to manage it as a more integral part of the Institute. The separate specific authorization ceiling for Barro Colorado Island, understandable only as an historical anomaly, is inconsistent with this need and requires management practices to allocate resources and overhead costs that would not otherwise be necessary. The authorization should be amended so that Barro Colorado Island can be more fully integrated into the management of the Tropical Research Institute.

Cost Estimate

Cost estimates were not received from the Congressional Budget Office in time for their inclusion in the Committee's report. Upon their receipt, the Committee shall report them to the Senate for publication in the Congressional Record.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration does not consider that enactment of S. 929 would have any regulatory impact.

Changes in Existing Law

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 929, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, and existing law in which no change is proposed is shown in roman):

Section 79e of Title 20, United States Code

SEC. 79e. APPROPRIATIONS.

There are authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, such sums [, not to exceed $750,000,] as are necessary for the administration of sections 79 to 79e of this title and for the maintenance of laboratory or other facilities provided for carrying out the purposes of said sections.

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